



**Town of Harpswell**  
**Planning Board Minutes**  
June 19, 2013  
Approved July 17, 2013

**Members Present**

David I. Chipman, Chair  
Paul Standridge, Vice Chair  
Burr Taylor  
Debora Levensailor  
John Papacosma, Associate Member

**Members Absent**

Aaron Fuchs

**Staff Present**

Carolyn Eyerman, Town Planner  
Diane Plourde, Recording Secretary

The Town of Harpswell Planning Board meeting was called to order at 6:30 p.m. by David I. Chipman, Chair. The Pledge of Allegiance was recited. Board members were introduced. The Chair appointed John Papacosma a full voting member for this meeting.

**New Business: 13-06-01 James & Jennifer Talbot (Owner), Joe LeBlanc (Applicant/Contractor) Map 14 Lot 14-1, Goose Ledge Road – Subdivision Community Dock & Pier**

Joe LeBlanc, President, LeBlanc Associates spoke of the Talbot wharf application. He explained several exhibits given in the application. Exhibit 1B shows the tax map common road which is Goose Ledge Road. Exhibit 1B1 & 1C describes the portion of the prior survey. Exhibit 1D is the aerial view showing where the common pier would be and the common right of way on Goose Ledge Road. Exhibit 1E shows the Talbots property to the right. They have signed a waiver for the setback and the new owners would be bound by this waiver. Ms. Eyerman asked how close the wharf and pier is to the stream and Mr. LeBlanc said it is roughly 60 feet. Exhibit 2 shows that there will be a 4' x 30' foot aluminum bridge and will be setback from the abutters to the left by 30+/- feet.

Mr. Chipman asked who owned the right of way. Mr. LeBlanc explained that a letter was sent to the Town's attorney for clarification and that after the third lot is sold, that lot will transfer to the homeowners association. Ms. Eyerman stated that there currently are homeowner association documents and this open space dock covenant will be added to those records.

Ms. Eyerman asked of the "*No visible structure*" noted on Exhibit 2. Mr. LeBlanc stated that this will satisfy all the agencies involved and it shows how close one structure is to the abutting structures and these agencies look for 50 feet between structures and there are no structures within the 50 feet. Mr. LeBlanc continued to describe the design of the ramp and pier.

**Public Hearing:**

Johanna Wigg, resident on Vicarage Lane, stated that she has a complete wharf system built about 10 years ago and along with her concerns regarding the ice build-up in the cove, questioned why in the past, the DEP required having a completely removable system and now this application is different just 100 feet from her property. Mr. LeBlanc stated that the DEP, now, would not let that big a footprint lay over the mud flats and now requires a smaller footprint.

Mr. Standridge asked questions regarding the 50' right of way and where cars will park and turn around since there is no formal parking area. The owners choose not to have a formal parking area and to have cars park along the side of the road and go to the end and turn around. The turn-around was initially used by Mr. Ponziani, Road Contractor from Topsham Maine.

The Board then reviewed the Ordinance criteria, as follows:

Subdivision Ordinance - Community Docks - Section 9.17

**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that the dock is arranged to service more than one lot, based on the following evidence:** The proposed covenant creates the Homeowner's Association and gives the homeowners the right to maintain and use the common dock.

**Unanimous Approval**

Shoreland Zoning Ordinance – Section 15.23 Community Piers, Docks and Wharves

Under Section 15.23.1 of the Shoreland Zoning Ordinance

**Debora Levensailor moved seconded by Paul Standridge the project does demonstrate that the community pier, docks and wharves has a maximum width of 6 feet and does not extend below the mean low water mark (not including ramps and floats). Furthermore, it does not prohibit or unreasonably impede legitimate passage along a beach or through navigation over the waters for recreational or aquacultural purposes, based on the following evidence:** The ramps and pier are four feet wide and does not extend below mean low water. The cribbing provides adequate passage below the ramp along the beach. **Unanimous Approval**

Under Section 15.23.2 of the Shoreland Zoning Ordinance

**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that the community piers, docks, and wharves located wholly within a subdivision, the sideline setbacks shall be ten (10) feet or that the Planning Board permitted the sideline setback to be reduced if the abutter(s) agree in writing and it is duly recorded in Cumberland County Registry of Deeds, based on the following evidence:** The neighbors, James & Jennifer Talbot, located to the north of the common open space have submitted an agreement in writing to the two (2) foot

sideline setback request. This letter shall be recorded at the Cumberland County Registry of Deeds. **Unanimous Approval**

Under Section 15.23.3 of the Shoreland Zoning Ordinance  
**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that the applicant has provided sufficient legal documentation to demonstrate right, title or interest in the location of the community pier, dock or wharf and that the community pier, dock or wharf will remain as a community pier, dock or wharf for the life of any such community pier, dock or wharf. Furthermore, the applicant has submitted to the Planning Board the proposed easement deed or declaration of protective covenants demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the use of the community pier, dock or wharf, and which has been reviewed by the Town Attorney as to form. Furthermore, upon approval by the Planning Board, the easement deed or declaration of protective covenants shall be recorded in the Cumberland County Registry of Deeds prior to the issuance of any building permit for the community pier, dock or wharf, based on the following evidence: The covenant has been provided to the Planning Board and has been reviewed by the town attorney.** **Unanimous Approval**

And

**Debora Levensailor moved seconded by Paul Standridge that the Board requires an additional condition of approval requiring that no later than three (3) months following the date of conveyance of the third lot in the Pebble Shores subdivision by Jennifer S. and James E. Talbot, the Talbots shall convey the lot shown on the Pebble Shores subdivision plan as “Common Area for Community Dock for Lots 2-10 & Lot B” to the Pebble Shores Homeowner’s Association, Inc., with a copy of the recorded deed contemporaneously provided to the Harpswell Town Planner.** **Unanimous Approval**

Under Section 15.23.4 of the Shoreland Zoning Ordinance  
**Debora Levensailor moved seconded by Burr Taylor that the project does demonstrate an area where the float(s), if any, will be stored and shall be designated on the plan, based on the following evidence: The ramp will be stored on the pier and the float will be stored on the timber frame haulout, above the coastal wetland, as indicated in the project summary.** **Unanimous Approval**

Under Section 15.23.5 of the Shoreland Zoning Ordinance  
**Debora Levensailor moved seconded by Burr Taylor that a waiver be granted from the parking requirements of this section.** **Unanimous Approval**

Under Section 15.23.6 of the Shoreland Zoning Ordinance  
**Debora Levensailor moved seconded by Burr Taylor that the project does demonstrate the design and construction shall not interfere with recreational intertidal lateral access, based on the following evidence: A portion of the ramps**

will be set on a pier that is 6 feet or more in height, so that the beach should be able to be accessed for recreation. **Unanimous Approval**

Under Section 15.23.7 of the Shoreland Zoning Ordinance

**Debora Levensailor moved seconded by Burr Taylor that the project does demonstrate that the landward approach to the community pier, dock, or wharf minimizes harm to vegetation on a coastal wetland, freshwater wetland or coastal bank, based on the following evidence: No trees are proposed to be disturbed at this location. The haulout is eight (8) feet wide and the pier is four (4) feet wide.**

**Unanimous Approval**

Conclusions of Law:

**Debora Levensailor moved seconded by Paul Standridge that the Board finds that the applicant, LeBlanc Associates, Inc., has met the standards of the Town of Harpswell Subdivision and Shoreland Zoning Ordinances. The Planning Board voted to approve the application with the following standard conditions of approval; Unanimous Approval**

1. This approval is not final until such time as final plans, showing all conditions and waivers, have been signed by the Planning Board.
2. This approval is based on the approved plans listed below, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.
3. All work shall be completed in conformance with the approved plans.
4. No occupancy of new construction shall be permitted until all infrastructure serving the new construction has been completed according to the approved plans.
5. No deviations from the approved plans are permitted without prior approval from the Planning Board or Planning Office.
6. No work shall be started until the applicant has established a performance guarantee acceptable to the Planning Board and/or the Town Planner.
7. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sediment Control.
8. This approval is conditioned on the applicant receiving all necessary Federal and State permits.

Johanna Wigg again spoke describing the tides within the cove affecting the skiffs and other boats needing significant amount of water for mooring. She also noted about where the pier is put in and that a significant amount of the pier will be on the flats.

### **13-06-02 Gina Perow (Applicant) Town of Harpswell (Owners) Map 36 Lot 8, Devil's Back Trail – Site Plan Review**

Terri Sawyer, Deputy Town Administrator spoke on behalf of the Town regarding the approval of parking at the Devil's Back Trail area formally known as Department of

Transportation picnic area. She stated that this area was reverted back to its natural state with some leftover parking making it difficult for vehicles to safely get in and out of the parking space. The plan will be to “chip” out the ledge, smooth out the area, move back the rocks to the top of the cliff, place curbing around the road and make the parking lot one directional. This will enhance the safety of unloading vehicles. The stormwater runoff will exist as is now; it flows under the road through a culvert onto the Towns property across the street. There will be added signage directing the flow of traffic.

Mr. Standridge asked if there are warning signs along Route 24 prior to the entrance. Ms. Sawyer said that the DOT was asked for a crosswalk at the area, but they were not in favor of it because of certain standards. The speed in the area is 45MPH and traffic would have to come to a complete stop at a crosswalk. There is a pedestrian sign prior to the turn and this area will also be promoted in the walking booklet to enhance public awareness of the trail. Ms. Sawyer said there is good visibility on the road on either side for cars to notice any foot traffic.

Ms. Levensailor noted that she feels this is a good idea to improve this area making it more noticeable and increase the safety. Ms. Sawyer said that the Town owns both sides of the road and there are future plans to make a more formal natural trail.

Under Section 15.1 of the Site Plan Review Ordinance:

**David Chipman moved seconded by Burr Taylor that the project does meet the dimensional requirements of the Basic Land Use Ordinance and/or Shoreland Zoning Ordinance, as applicable, based on the following evidence:** The Board found that the parking will be 20 feet from the travelled way and in excess of 20 feet away from all other lot lines. The impermeable coverage will increase only slightly and is still under the maximum allowed. Furthermore, the CEO has found that all other requirements have been met for this section. **Unanimous Approval**

Under Section 15.2 of the Site Plan Review Ordinance:

**David Chipman moved seconded by Burr Taylor that the project does reflect that the natural capabilities of the site support the development, and that environmentally sensitive areas and natural drainage areas will be preserved and protected to the maximum extent, based on the following evidence:** Some of the site currently has a trail on it and this specific area is almost free of vegetation. The new parking should not alter the site significantly from its current configuration. Silt fencing and seeding will be placed onsite during and after construction to limit erosion. **Unanimous Approval**

Under Section 15.3 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that the project does demonstrate that vehicular access to the site will be on roads with adequate capacity and Level of Service for the development, or that the applicant has demonstrated that necessary improvements will be accomplished, based on the following evidence:** The road system (Route 24) provides enough capacity for this

site since it is a main road and will allow for the additional 20 users per day.

**Unanimous Approval**

Under Section 15.4 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that the project does demonstrate that vehicular access to and from the site is safe and convenient and meets the eight (8) driveway and access ways standards of Section 15.4, based on the following evidence:** As shown on the site plan, the driveway provides the minimum sight distances required by the Maine DOT and appears to be safe. The grade of the driveway is less than the 3% maximum allowed. The intersection does not propose to generate 1000 peak hour trips or more. There is only one frontage on this road. There should be no pedestrians or traffic hazards for this facility. Traffic should be extremely limited for this facility. **Unanimous Approval**

Under Section 15.5 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that the project does demonstrate that the proposed entrances and exits and private access ways will be appropriately sited in conformance to Section 15.5, based on the following evidence:** The closest unsignalized intersection is approximately 900 feet away from the entrance to this proposed parking lot and the closest signalized intersection is more than 3 miles away. **Unanimous Approval**

Under Section 15.6 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that the project does demonstrate that the site provides for safe movement of passenger, service, and emergency vehicles through the site and within parking lots, and provides for pedestrian and cyclist safety, based on the following evidence:** The parking lot is located on the most level portion of the site and has adequate space, 20 feet, for safe movement of vehicles. **Unanimous Approval**

Under Section 15.7 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that the project does provide for adequate vehicular parking spaces, and any off-road parking conforms to the six (6) layout and design standards of Section 15.7.2, based on the following evidence:** The site provides for ten (10) parking spaces for approximately twenty (20) users per day, which should adequate. The design of the lot is such that no cars need to back into the road, it is 20 feet away from side and rear lot lines; the stalls are more than 8' 6" x 17'; signage is proposed to direct the traffic in the proper direction; the spaces are not double stacked; and there is no overhang of vehicles to restrict traffic flow. **Unanimous Approval**

Under Section 15.8 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that the project does provide a system of pedestrian ways appropriate to the type and scale of the development, based on the following evidence:** This type of facility and its proposed

layout provides for adequate pedestrian movement that is safe and convenient.

**Unanimous Approval**

Under Section 15.9 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that the project does demonstrate that adequate provision is made for the collection and disposal of stormwater runoff with no adverse impact on abutting or downstream properties, and that negative impacts from both the quantity and quality of the storm water has been adequately managed in compliance with seven (7) stormwater management standards of Section 15.9, based on the following evidence: The state fixed a known drainage problem in the past year, which allows for stormwater to flow adequately under the road to the other side and into a wooded area. Unanimous Approval**

Under Section 15.10 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by that the project does demonstrate that all structures and roads harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible to control erosion, and that filling, excavation, and earth moving activity will be minimized, based on the following evidence: The applicant has indicated that the grading, erosion and sedimentation controls utilize sound conservation practices using silt fencing and hay bales where needed. Furthermore, the location of silt fencing is shown on the site plan. Unanimous Approval**

Under Section 15.11 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that this section does not apply to this development. Unanimous Approval**

Under Section 15.12 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that this section does not apply to this development. Unanimous Approval**

Under Section 15.13 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that this section does not apply to this development. Unanimous Approval**

Under Section 15.14 of the Site Plan Review Ordinance:

**Burr Taylor moved seconded by Debora Levensailor that the project does demonstrate that the landscape is preserved in its natural state insofar as practical, based on the following evidence: The area to be developed is approximately 3240 square feet and limited, if any, alteration of trees or vegetation is proposed. Unanimous Approval**

And

**Burr Taylor moved seconded by Debora Levensailor that the project does demonstrate that there are sufficient setbacks and screening of exposed storage**

**areas, articles of salvage or refuse, etc. on the site, based on the following evidence:** The proposed parking area is surrounded by evergreen and understory trees which are adequate for buffering. **Unanimous Approval**

Under Section 15.15 of the Site Plan Review Ordinance:  
**David Chipman moved seconded by Debora Levensailor that this section does not apply to this development. Unanimous Approval**

Under Section 15.16 of the Site Plan Review Ordinance:  
**David Chipman moved seconded by Debora Levensailor that this section does not apply to this development. Unanimous Approval**

Under Section 15.17 of the Site Plan Review Ordinance  
**David Chipman moved seconded by Paul Standridge that this section does not apply to this development. Unanimous Approval**

Under Section 15.18 of the Site Plan Review Ordinance:  
**David Chipman moved seconded by Debora Levensailor that the project does provide adequate facilities for solid waste, based on the following evidence:** There are waste facilities for dog waste and the town has a policy of carry in/carry out. **Unanimous Approval**

Under Section 15.19 of the Site Plan Review Ordinance:  
**David Chipman moved seconded by Debora Levensailor that the project does demonstrate that the development is designed to protect and preserve archaeological and historic sites identified by the Planning Board, based on the following evidence:** A condition of approval is required: A letter to the Maine Historic Preservation Commission requesting determination of possible archaeological and historic resources. **Unanimous Approval**

Under Section 15.20 of the Site Plan Review Ordinance:  
**David Chipman moved seconded by Debora Levensailor that the project does demonstrate that all use and development of portions of the site within a special flood hazard area are consistent with the Town's Floodplain Management Ordinance, based on the following evidence:** Based on the Code Enforcement Officer's review memo, the proposed parking lot is not located in an identified FEMA flood hazard area. **Unanimous Approval**

Under Section 15.21 of the Site Plan Review Ordinance:  
**David Chipman moved seconded by Debora Levensailor that the applicant has demonstrated the financial and technical capacity to carry out the development in accordance with this Ordinance and the approved plan, based on the following evidence:** Town Meeting approved the appropriation required for construction. The town will be utilizing outside contractors to construct the facility. **Unanimous Approval**



Under Section 15.22 of the Site Plan Review Ordinance:

**David Chipman moved seconded by Debora Levensailor that this section does not apply to this development. Unanimous Approval**

Conclusions of Law:

**David Chipman moved seconded by Debora Levensailor that the Planning Board finds that the applicant, Town of Harpswell, has met the standards of the Town of Harpswell Site Plan Review Ordinance. The Planning Board voted to approve the application and site plan with the following standard conditions of approval:**

1. This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Planning Board.
2. This approval is based on the approved plans listed below, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.  
All work shall be completed in conformance with the approved plans, drawn by Terrance J. DeWan & Associates, Landscape Architects & Planners, entitled "Devil's Back Trail" dated August 16, 2012.
3. This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plan, proposals, and supporting documents, except *de minimis* changes as determined by the Town Planner that do not affect approval standards, is subject to the review and approval of the Planning Board prior to implementation.
4. If necessary, no work shall be started until the applicant has established a performance guarantee acceptable to the Planning Board.
5. The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval. If a State or federal agency imposes any more stringent conditions on the applicant or if the other agency's conditions of approval in any way impact the substantive site plan review criteria, the applicant shall return to the Planning Board for review and approval of an amended application.
6. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sedimentation Control.

**David Chipman moved seconded by Debora Levensailor that the Planning Board vote to approve the application and site plan with the following additional**

**Condition(s) of Approval:** *A letter to the Maine Historic Preservation Commission requesting determination of possible archaeological and historic resources at the site.*

**Unanimous Approval**

**13-06-03 – Town of Harpswell (Owner), Map 22 Lot 58, Abner Point Road, Landing at Mackerel Cove – Site Plan Review**

Terri Sawyer, Deputy Town Administrator spoke on behalf of the Town regarding the approval of parking at Mackerel Cove on Bailey Island. Ms. Sawyer stated that it was

noted on the steward reports that parking in the small boat storage area was taking place. In an effort to resolve this issue, the Harpswell Heritage Land Trust and Maine Coast Land Trust signed a letter of agreement with the Town of Harpswell to formalize a parking area strictly for fishermen. This area would have 5 parking spaces, 22 feet deep and 45 feet long and designated for fishermen parking only. The funds for this project were approved at the town meeting and estimated at \$5,000. A contractor has been selected and it was noted also that the contractor is erosion control certified. Ms. Sawyer also noted that the Harbormaster has been contacting boat owners that the boats must be removed by July 1<sup>st</sup>.

Under 13.4.7.1 of the Basic Land Use Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does maintain safe and healthful conditions, based on the following evidence: There is ad-hoc parking in the area now. This parking lot will limit the parking to commercial fishermen and will promote safer parking within a designated area. Unanimous Approval**

Under Section 13.4.7.2 of the Basic Land Use Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project will not result in water pollution, erosion or sedimentation, based on the following evidence: This upgrade will actually remedy an existing erosion problem due to vehicles parking on the grassy/loam area. Silt fencing and hay bales will be utilized to prevent erosion. Unanimous Approval**

Under Section 13.4.7.3 of the Basic Land Use Ordinance:

**Debora Levensailor moved seconded by David Chipman that this section does not apply. Unanimous Approval**

Under Section 13.4.7.4 of the Basic Land Use Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project does not have an adverse impact of fisheries on other wildlife, based on the following evidence: The parking lot is located in an existing grassy area where boats have been stored and there are no known wildlife or bird habitats. Stormwater will be contained on site and not affect the aquatic life. Unanimous Approval**

Under Section 13.4.7.5 of the Basic Land Use Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does conserve shore cover and access to inland and coastal waters, based on the following evidence: This parking lot supports this traditional coastal point of access, Mackerel Cove's working waterfront, by providing specific parking for fishermen. Unanimous Approval**

Under Section 13.4.7.6 of the Basic Land Use Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does/does not adversely affect archaeological and historic resources, based on the following evidence: Condition of Approval: A letter written to the Maine Historic**

Preservation Commission to confirm that no archaeological and/or historic resources exist at this site. **Unanimous Approval**

Under Section 13.4.7.7 of the Basic Land Use Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project does not adversely affect commercial fishing, based on the following evidence:** This parking lot is specifically intended to support and promote the existing commercial fishing activities by providing them with adequate and designated parking. **Unanimous Approval**

Under Section 13.4.7.8 of the Basic Land Use Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project does avoid problems with flood plains, based on the following evidence:** A pending floodplain permit, which is intended to comply with the ordinances, has been submitted to the Code Enforcement Officer for review. **Unanimous Approval**

Under Section 13.4.7.9 of the Basic Land Use Ordinance is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance. (See review below)

Under Section 15.2.1.1 and 15.2.4 of the Shoreland Zoning Ordinance:

**David Chipman moved seconded by Debora Levensailor that the project does meet the dimensional requirements of the Shoreland Zoning Ordinance, as applicable, based on the following evidence:** This use is functionally water dependent and is exempt from the setback. The impermeable surface is approximately 17.6% where 70% is allowed. **Unanimous Approval**

Under Section 15.7 of the Shoreland Zoning Ordinance:

**15.7. Parking Areas. This section applies when an area is developed for parking of seven or more vehicles.**

15.7.1. Parking areas shall meet the Shoreland setback requirements for structures for the district in which such areas are located, except that:

Applicant comments: 15.7 – This section applies to seven or more spaces, implying that fewer than 7 (and less than 1,000 square feet) are permissible through the Code Office. However since the Land Use Chart does not list both PB and CEO, the Code Office recommended that the Planning Board review the proposed parking under these Shoreland Zoning Ordinance standards. The Code Office will recommend ordinance changes relating to this issue for next year's Town Meeting. 15.7 are complied with as follows:

15.7.1.1. The setback requirement for parking areas in the Commercial Fisheries I District may be reduced to no less than twenty-five (25) feet, horizontal distance, from the maximum high water line of a great pond, stream, tributary stream, HAT of the

coastal wetland or the upland edge of a freshwater wetland described in Section 3 of this ordinance if the Code Enforcement Officer determines that no reasonable alternative exists, and

Applicant comments 15.7.1.1 – Proposed parking is in CF1 zone and will not be less than 25-feet from the HAT. Will defer to Code Enforcement Officer for determination of no reasonable alternative – however, will note that the parcel is strictly limited based on the conservation easement and parking cannot be created in the open area part of the parcel. Additionally this location is where parking has occurred and is on a flat area as opposed to the remaining part of the lot that is on a slope and at the bottom of a hill where drainage occurs.

**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that parking areas meet the Shoreland setback requirement, based on the following evidence: This use is functionally water dependent and is exempt from the setback. Unanimous Approval**

15.7.1.2. The setback requirements for parking areas serving public boat launching facilities, in districts other than the Commercial Fisheries I District may be reduced to no less than fifty (50) feet, horizontal distance, from the maximum high water line of a great pond, stream, tributary stream, HAT of the coastal or upland edge of a wetland described in Section 3 of this ordinance if the Code Enforcement Officer finds that no other reasonable alternative exists.

Applicant comments 15.7.1.2 – While there is a Town-owned boat launch near the proposed parking, the parking is limited to fishermen and therefore section 15.7.1.1 applies.

**Debora Levensailor moved seconded by Burr Taylor that the Board finds that this section does not apply. Unanimous Approval**

15.7.2. Parking areas shall be adequately sized for the proposed use and shall be designed to minimize runoff and erosion. Where feasible, runoff will be retained on site and prevented from flowing directly into a great pond, stream, tributary stream, coastal wetland or freshwater wetland.

Applicant comments 15.7.2 – Proposed parking area is designed to stop the erosion and runoff occurring now due to repeated parking in the grassy/loam area. Runoff is designed to stay on site and will be directed toward the grassy/bushy area between Mackerel Cove and the parking area, which allows more than 40 feet of filtration and absorption.

**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that there is adequate provision to limit erosion and runoff, based on the following evidence: Evidence is provided under Sections 15.10 and 15.16 below. Unanimous Approval**

Under Section 15.10, Storm Water Runoff, of the Shoreland Zoning Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that adequate provision is made for the collection and disposal of stormwater runoff, based on the following evidence: The area between the coastal wetland and the parking lot is 40 feet in width and contains grass and small brush/understory, which should be adequate for filtration of stormwater. Unanimous Approval**

Under Section 15.16 Earthmoving, Erosion, and Sedimentation Control of the Shoreland Zoning Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that an erosion control plan has been submitted and is adequate to comply with this section, based on the following evidence: The contractor hired by the Town states (via the applicant) that a silt fence staked with hay bales will be put in place to prevent any erosion. Unanimous Approval**

Under Section 15.17 Soils of the Shoreland Zoning Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that the soils are adequate to maintain the use without adverse environmental impacts, based on the following evidence: This proposed parking lot location is on solid original soil. Topsoil will be removed and gravel placed for parking purposes. Unanimous Approval**

Under Section 15.19 Archeological and Historic Sites of the Shoreland Zoning Ordinance:

**David Chipman moved seconded by Debora Levensailor that the project does protect and preserve archaeological and historic sites, based on the following evidence: See Section 13.4.7.6 for additional condition of approval. Unanimous Approval**

Conclusions of Law:

**Debora Levensailor moved seconded by David Chipman that the Planning Board finds that the applicant, Town of Harpswell, has met the standards of the Town of Harpswell Basic Land Use and Shoreland Zoning Ordinances. The Planning Board voted to approve the application with the following standard conditions of approval:**

1. This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Planning Board.
2. This approval is based on the approved plans listed below, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.
3. This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plan, proposals, and supporting documents,

except *de minimis* changes as determined by the Town Planner that do not affect approval standards, is subject to the review and approval of the Planning Board prior to implementation.

4. The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval.
5. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sedimentation Control.

**The Planning Board voted to approve the application with the following additional Condition(s) of Approval:** *A letter written to the Maine Historic Preservation Commission to confirm that no archaeological and/or historic resources exist at this site.*  
**Unanimous Approval**

**Approval of Minutes of May 15, 2013**

Debora Levensailor noted that under the Election of Officers, the Recording Secretary recorded that Paul Standridge seconded the motion, when in fact Burr Taylor seconded the motion to re-elect the officers. This will be corrected in the minutes.

**Debora Levensailor moved seconded by David Chipman to accept the minutes of May 15, 2013 as amended. Unanimous Approval**

**Old Business: Ordinance review (impermeable surface)**

Discussion continued regarding the consistent usage of “impervious” and “impermeable” wording within the ordinances. The Board agrees that the word impermeable be used consistently throughout the ordinances.

Ms. Eyerman noted that there is redundancy of the wording within all the ordinances. She asked the Board to look through the ordinances making notes of any oddities and redundancy they may find. She also indicated that the ordinances could be combined for clearer criteria within one ordinance. Ms. Eyerman will review the ordinances and make her report at an upcoming meeting.

**Burr Taylor moved seconded by Debora Levensailor to adjourn the meeting. Unanimous Approval**

Meeting adjourned at 9:10 PM

The next regular meeting will be July 17, 2013 at 6:30 PM.

Respectfully submitted by:

Diane E. Plourde  
Recording Secretary